

REMARKS/ARGUMENTS

Claims 1, 3-10, 19, 21 and 22 are currently pending.

Claims 1, 3-10, 19, 21 and 22, i.e., all of the claims of the present application have been provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-7 of Applicant's later filed co-pending application S.N. 11/130,854 (as US2005/0276921) in view of Applicant's JP 11-274135.

Claims 1,3-5, 7-9, 21 and 22 were also provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-8 of Applicant's later filed co-pending application S.N. 11/154,363 (as US 2006-0021636).

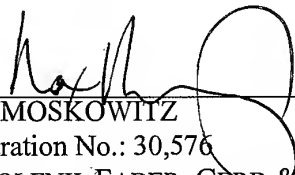
There are no other grounds for rejection.

In response thereto, it is submitted that MPEP 804 provide definitive guidance with respect to co-pending applications and provisional rejections based on non-statutory obviousness-type double patenting. According to MPEP 804, if the only rejection remaining in the earlier filed application is a provisional non-statutory obviousness-type double patenting then "...the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer". Since the present application is the earliest of the co-pending applications, the rejections should be withdrawn, without a terminal disclaimer.

With withdrawal of the rejections, the claims are allowable and such favorable action is respectfully requested.

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Respectfully submitted,


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